

In re LENOSKI ET AL., Application No. 09/519,282  
Amendment C

### REMARKS

In response to the final Office action mailed February 18, 2004, and the Supplemental Advisory Action dated July 29, 2004, please consider the following remarks and enter the following amendments as this response is being filed with a Request for Continued Examination (RCE). Reconsideration and further prosecution of the application is respectfully requested. No new matter is added herein. The filing of the RCE is not an admission or other acquiescence of any rejection nor object, but rather the Office action was final, and Applicants desired to reword a few claims to avoid confusion.

Note, the Supplemental Advisory Action states that the period for reply expires on the mailing date (July 29, 2004) of the Supplemental Advisory Action, so only a one-month extension of time is required for this response, and is hereby requested, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 501430 for the associated fee.

Herein, claim 1 is amended, claims 13-18 and 21-22 are cancelled without prejudice to focus on one claim set, and new dependent claims 26-28 are added.

Applicants appreciate the brief conversation with Examiner Moore on August 16, 2004, in order to clarify the rejections of claims 1 and 21, at which time, Examiner Moore re-iterated the Office's view that there was not the requisite structure to differentiate these claims from Sheu. Applicants respectfully traverse these rejections and statements as a § 102(b) requires each and every element and limitation including recited structure to be shown in a reference, and it is not proper to read structure into a reference which is not present in the reference.

In any event, claim 1 is amended to include the recited structure which clearly differentiates itself from Sheu, and new dependent claims 26-28 are added which recite additional claim limitations. Support for such amendments is provided in the specification as originally filed at least on pages 12-16 and in FIGs. 4, 6A, 6B, 7C and 8. New claim 26 describes a technique used in one embodiment for determining which path to send a packet by ANDing multiple bit vectors, with support provided at least by FIGs. 6A, 6B and 8; and new claims 27-28 limit the value of the predetermined threshold, with support provided at least on

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page 14 of the specification, especially where it describes an example of disabling traffic where nine of ten paths (i.e., only one path remains) have become unavailable.

For example, Sheu nor the other references of record neither teach nor suggest a packet switch with a multistage interconnection network as recited, wherein an error is recognized within the packet switch by one of the plurality of switching stages, a particular packet is sent from said one of the plurality of switching stages to the broadcast component through at least a portion of said one or more interconnection networks in response to said recognizing the error, the particular packet including an indication of the error and an indication corresponding to the broadcast component; and with a plurality of input components being notified of the packet switch of the error, said notifying including sending one or more packets indicating the error from the broadcast component through at least a second portion of said one or more interconnection networks, said second portion including the final switching stage

Sheu teaches the use of three buses to broadcast information to multiple adapters, and neither teaches nor suggest a multistage interconnection network, let alone one with a broadcast mechanism as recited in the claims, nor with an error packet including an indication corresponding to the broadcast component. Moreover, there is no reason for Shue to include such an indication of the broadcast component in the packet as the Office's interpretation of Shue is that the broadcast component is the bus.

For at least these reasons, applicants believe all pending claims are allowable over the prior art of record.


**Final Remarks.** In view of the above remarks and for at least the reasons presented herein, all pending claims are believed to be allowable over the prior art of record, the application is considered in good and proper form for allowance, and the Office is respectfully requested to issue a timely Notice of allowance in this case. If, in the opinion of the Office, a telephone conference would expedite the prosecution of the subject application, the Office is invited to call the undersigned attorney.

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The Commissioner is hereby generally authorized under 37 C.F.R. § 1.136(a)(3) to treat this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 requiring an extension of time as incorporating a request therefore, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 501430 for any fee that may be due in connection with such a request for an extension of time. Moreover, the Commissioner is hereby authorized to charge payment of any fee due any under 37 C.F.R. §§ 1.16 and § 1.17 associated with this communication or any future communication in this or any related application filed pursuant to 37 C.F.R. § 1.53 or credit any overpayment to Deposit Account No. 501430.

Respectfully submitted,  
The Law Office of Kirk D. Williams

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